IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8069 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DHIMANTKUMAR A VORA

Versus

STATE OF GUJARAT

Appearance:

MR GM JOSHI for Petitioner

MR UMESH TRIVEDI AGP for Respondent No. 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/12/2000

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. It is no more res integra that penalty of withholding of increment with future effect is a major penalty. If

any citation is required then fruitfully may have to the decision of the apex court in the case of Kulvant Singh Vs. State of Punjab reported in 1991(1) Suppl. SCC 504. It is admitted position that penalty of stoppage of one increment with future effect has been imposed to the petitioner and that too without following procedure as laid down under Gujarat Civil Services (Discipline & Appeal) Rules, 1971 for imposing major penalty.

#. In the result this petition succeeds and the order dated 19.8.1991 passed by the under Secretary to the Youth Services and Cultural Activities Department is hereby quashed and set aside. Normally in such matters liberty should have been granted to the other side to proceed in the matter in accordance with law but in view of the fact that after filing of this petition the petitioner is retired from the service and for the misconduct for which the petitioner was punished was not of serious nature, I do not consider it to be an appropriate case where such a liberty is given to the respondent. It is a fit case where this matter has to be closed finally.

Rule is made absolute accordingly with no order as to costs.

(S.K.Keshote, J.)

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